

O'DONNELL, SCHWARTZ, GLANSTEIN & LILLY, LLP
Thomas J. Lilly, Jr. (TL8024)
245 Hillside Avenue
Williston Park, NY 11596
Attorneys for the Defendant

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----	X	Filed via ECF
TONIA BUSH	:	
PRO SE	:	Case No. 05 Civ. 7012
	:	(RJH)(FM)
Plaintiff,	:	
-against-	:	
	:	
O.P.E.I.U. LOCAL 153 UNION	:	
	:	
Defendant.	:	
-----	X	

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE, that pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure and on the accompanying Memorandum of Law, Defendant, Local 153, Office and Profession Employees International Union, AFL-CIO (incorrectly named in the complaint as O.P.E.I.U. Local 153 Union), by its attorneys, O'Donnell, Schwartz, Glanstein & Lilly, LLP, will move the Court in the United States Courthouse, 500 Pearl Street, New York, New York, on _____ (a date to be determined by the Court), or as soon thereafter as the matter may be heard, for an order pursuant to Federal Rule of Civil Procedure 12(b)(6) dismissing the Complaint in its entirety for failure to state a claim upon which relief can be granted, and such other relief as the Court may deem appropriate.

PLEASE TAKE FURTHER NOTICE that opposition papers, if any, are to be served upon the undersigned by December 26, 2006.

PLEASE TAKE FURTHER NOTICE that Defendant does not request oral argument.

Dated: Williston Park, N.Y.
November 27, 2006

O'Donnell, Schwartz, Glanstein & Lilly, LLP

By /s/
Thomas J. Lilly, Jr. (TL8024)

245 Hillside Avenue
Williston Park, NY 11596
(516) 794-9460

Attorneys for Defendant
Local 153, Office and Professional
Employees International Union,
AFL-CIO

CERTIFICATE OF SERVICE

The undersigned, a member of the Bar of this Court, hereby certifies that he personally served a true and accurate copy of the foregoing NOTICE OF MOTION TO DISMISS this 27 day of November, 2006 via U.S. Mail upon:

Tonia Bush
P.O. Box 540946
Bronx, New York 10454

_____/s_____
Thomas J. Lilly, Jr. (IL-8024)